

EXHIBIT 8

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

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ROSY GIRON DE REYES;
JOSE DAGOBERTO REYES;
FELIX ALEXIS BOLANOS;
RUTH RIVAS; YOVANA JALDIN SOLIS;
ESTABAN RUBIN MOYA YRAPURA;
ROSE ELENA AMAYA, and
HERBERT SARAVIA CRUZ,

Plaintiffs,

CASE NO:
1:16ev00563-TCB

vs.

WAPLES MOBILE HOME PARK
LIMITED PARTNERSHIP; WAPLES PROJECT
LIMITED PARTNERSHIP; and
A. J. DWOSKIN & ASSOCIATES, INC.,

Defendants.

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DEPOSITION OF CAROLINA EASTON

Falls Church, Virginia

December 2, 2016

9:35 a.m.

Reported By:
Chris Fox
Job No. 47841

1 anybody over the age of 18 will have to fill out an
2 application, will have to fill out the application in
3 its entirety. They would have to have a United States
4 non-expired government-issued ID. They will have to
5 give pay stubs. If they had a Social Security Number,
6 we requested a copy of the Social Security card. If
7 they don't or if they marked that they were not U.S.
8 citizens, then they will need to give us proof of legal
9 presence.

10 Q. Why was there a specific policy or procedure
11 with respect to non-citizens?

12 A. I did not create that.

13 Q. Can you recall who would have been
14 responsible for creating that?

15 MR. DeBETTENCOURT: Objection, foundation.

16 A. That was before my time.

17 BY MR. RAMKUMAR:

18 Q. What were the documents required to show
19 proof of legal presence?

20 A. Whatever documents they're able to provide.

21 Q. So any documentation they could provide to
22 show proof of legal presence would satisfy the
23 requirements of the policy?

24 MR. DeBETTENCOURT: Objection, form.

25 A. If it is documentation that is coming from

1 Immigration of the United States and is showing their
2 legal presence, yes.

3 BY MR. RAMKUMAR:

4 Q. Can you recall whether your company requested
5 renewal applicants or new applicants to provide
6 specific discrete documents to show proof of legal
7 presence?

8 MR. DeBETTENCOURT: Objection, form.

9 A. What do you mean by discrete documents?

10 BY MR. RAMKUMAR:

11 Q. Specific types of documents, for example,
12 like an I-94?

13 A. Possibly.

14 Q. Could an applicant show proof of legal
15 presence, to the best of your knowledge, without
16 submitting an I-94?

17 A. Depending on what kind of visa they have.

18 Q. So when you say depending on what kind of
19 visa they have, what types of visas, to the best of
20 your knowledge, would satisfy the proof of legal
21 presence requirement?

22 A. Any documentation that they can bring for the
23 Immigration office.

24 Q. Would a green card, for example, satisfy the
25 proof of legal presence requirement?

1 A. If it's not expired, yes.

2 Q. If an applicant or a renewal applicant
3 provided a current, not expired green card, would they
4 also have to provide an I-94 passport and visa to show
5 proof of legal presence?

6 A. If you have a green card, you will not have
7 an I-94, so no.

8 Q. Can you recall reviewing any applicants who
9 could not tender the required documentation to show
10 proof of legal presence after they failed Yardi
11 Screening?

12 MR. DeBETTENCOURT: Objection, form.

13 A. They would not be put through Yardi
14 Screening.

15 BY MR. RAMKUMAR:

16 Q. Why wouldn't they be put through Yardi
17 Screening?

18 A. Because they're not satisfying all of our
19 requirements in order to proceed.

20 Q. Just to make sure I understand, so there was
21 a separate screening mechanism from Yardi Screening for
22 applicants who did not satisfy all the requirements?

23 MR. DeBETTENCOURT: Objection,
24 mischaracterizes.

25 A. It is not a screening mechanism. They are

1 resident information guide?

2 A. Right.

3 MR. DeBETTENCOURT: Objection, asked and
4 answered.

5 BY MR. RAMKUMAR:

6 Q. I'd like to turn to Page 2 of this document.

7 A. (Witness complies.)

8 Q. And focus your attention to the residency
9 status section, where it says applicants who are not
10 U.S. citizens must provide current documentation
11 showing proof of legal presence in the United States.

12 What would qualify as current documentation?

13 A. As I said earlier, any Immigration
14 documentation they're able to prove.

15 Q. Would it have to be an I-94 visa and a
16 passport?

17 A. As I stated earlier, depending on the kind of
18 visa they have, whatever documentation they're able to
19 produce.

20 Q. So it was your understanding that depending
21 on the type of visa an applicant had, they would not
22 necessarily have to tender an I-94 visa and passport?

23 A. Whatever documentation they're able to
24 provide.

25 MR. RAMKUMAR: Handing the witness what

1 number?

2 MR. DeBETTENCOURT: Objection, form,
3 foundation.

4 A. According to what it is saying right there,
5 it says to enter 999 or their ITIN number.

6 Q. And they could be processed in the CLSR
7 system?

8 MR. DeBETTENCOURT: Objection, form,
9 foundation.

10 A. According to what it says right there.

11 Q. To the best of your knowledge, then, could an
12 individual comply with the requirements of this policy
13 in 2013 by providing their ITIN instead of a Social
14 Security Number?

15 MR. DeBETTENCOURT: Same objection.

16 A. As long as they provide all the documents
17 that you mentioned in the other page.

18 Q. Would those be the documents related to proof
19 of legal presence?

20 A. Any documents they're able to provide from
21 Immigration that shows legal presence.

22 Q. Just so I understand, if an applicant
23 provided their individual taxpayer ID number in 2013,
24 and also provided proof of legal presence, they would
25 be in compliance with the policies and procedures?

1 the credit scoring check are the same?

2 MR. DeBETTENCOURT: Objection, from.

3 A. We enter the information in the Yardi system,
4 which transfers into the Yardi Screening system.

5 Q. What documents would you request from an
6 applicant with respect to just the criminal background
7 check component?

8 A. I already answered that question.

9 Q. Could a criminal background check be run on
10 an applicant with an individual taxpayer ID number?

11 A. A background can be run on an applicant that
12 does not have a Social Security Number. However,
13 accuracy is not the same.

14 Q. When you say accuracy is not the same, was it
15 your understanding that those checks would be less
16 accurate?

17 MR. DeBETTENCOURT: Objection, form.

18 A. That's what I just stated.

19 Q. Was that the opinion of everyone within the
20 organization?

21 MR. DeBETTENCOURT: Objection, speculation.

22 A. You'd have to ask them.

23 Q. I'd like to turn to Page 13, titled The Quick
24 Sheet?

25 A. Okay.

1 because it does not show that the ITIN number was
2 acceptable. When you used the word acceptable, do you
3 have an understanding of what you meant?

4 MR. DeBETTENCOURT: Objection, form.

5 A. If I have to assume without having those
6 documents in front of me, I would say I compared them
7 and one of them did not show the ITIN numbers
8 acceptable, so that's why I typed it.

9 Q. So was it your understanding in 2014 that an
10 applicant providing an ITIN number would be in
11 compliance with the policies and procedures in place?

12 MR. DeBETTENCOURT: Objection, form.

13 A. As long as any other document they have from
14 the Immigration Department.

15 Q. So in the second sentence you say, it only
16 shows SSN or passport, visa and I-94.

17 What, to the best of your understanding, was
18 wrong or outdated about that specific policy?

19 MR. DeBETTENCOURT: Objection, form.

20 A. Again, if I have to speculate between the two
21 documents that I don't have in front of me, I already
22 told you, I would assume I looked at both of them and I
23 said this is the current one, that does not show what
24 they are showing me, so they're not using the current
25 one.

1 Q. So it's your understanding that you would
2 have looked at one document that showed an ITIN number
3 as acceptable, and based on that, concluded that Waples
4 had an outdated resident information sheet?

5 MR. DeBETTENCOURT: Objection, form.

6 A. I would have looked at both numbers, at both
7 documents, whichever was the most current one, to my
8 understanding, and whichever is the one Waples is
9 showing us, and I will tell them what the difference
10 between the two of them was.

11 Q. Based on the process that you just described
12 to me, do you have an understanding of whether an ITIN
13 number was acceptable on September 3rd, 2014?

14 MR. DeBETTENCOURT: Object to the form.

15 A. Again, as long as they're able to provide
16 whatever documents to prove legal presence.

17 Q. So an ITIN number would have been acceptable
18 in September of 2014 as long as it was accompanied by
19 proof of legal residence?

20 MR. DeBETTENCOURT: Objection, form.

21 A. If they can provide the legal presence,
22 that's our requirement. If they want to give us other
23 information, that's entirely up to them.

24 Q. But it was your understanding that an ITIN
25 number accompanied by proof of legal presence complied

1 with the policy in 2014?

2 MR. DeBETTENCOURT: Same objection.

3 A. I have to look at the policy.

4 BY MR. RAMKUMAR:

5 Q. Was it your understanding that other
6 documentation besides the passport, visa, and I-94 that
7 you wrote could be used to satisfy the proof of legal
8 presence requirement?

9 A. In 2014?

10 Q. Yes.

11 A. I can't remember what I thought in 2014, but
12 it has been our policy so I would say yes.

13 Q. Well, you wrote that it only shows SSN or
14 passport, visa, and I-94, so do you have an
15 understanding of why, of whether the policy was
16 outdated because it did not allow for additional
17 documentation to show legal presence?

18 MR. DeBETTENCOURT: Objection, form.

19 A. That is not what it says. What it says is
20 they're using an outdated form because it does not
21 match the current form that I would assume at that
22 moment I was looking at.

23 BY MR. RAMKUMAR:

24 Q. And would the current form that you would
25 have been looking at have the required up-to-date

125

1 documentation they have in order to prove legal
2 presence.

3 Q. So the extra documentation you were referring
4 to would be the I-94, visa and passport we discussed
5 earlier, correct?

6 A. Any documentation they have in order to prove
7 legal presence.

8 Q. So it wouldn't have to be an I-94, visa and
9 passport?

10 A. Any documentation they have in order to prove
11 legal presence.

12 Q. Do you have an understanding of whether that
13 result would change if an applicant provided an
14 individual taxpayer ID number?

15 MR. DeBETTENCOURT: Objection, form.

16 A. What result?

17 Q. In terms of requiring extra documentation?

18 A. Again, if the person provided an ITIN number,
19 they're not a U.S. citizen. If they've not a U.S.
20 citizen, they will need to provide whatever
21 documentation they have to prove legal presence.

22 BY MR. RAMKUMAR:

23 Q. Ms. Giambanco then writes for a follow-up as
24 to whether the policies and procedures need to change
25 if the Social Security Number says work only, and she

1 in place did not allow applicants to substitute ITINs
2 for Social Security Numbers?

3 A. That's not what I said. What I said was the
4 application asked, has a field on the top for a Social
5 Security Number. If they enter an ITIN number in
6 there, that is not a valid number because it was not a
7 Social Security Number.

8 Q. But it was your understanding that the ITIN
9 number could still be processed in 2014?

10 MR. DeBETTENCOURT: Objection, form.

11 A. Processed where?

12 Q. In Yardi Screening?

13 A. Again, there's no field in Yardi Screening
14 for you to enter an IT number.

15 Q. Is there a specific field for a Social
16 Security Number in Yardi Screening?

17 A. Yes.

18 Q. What would happen if an applicant did not
19 have a Social Security Number? Would they still be
20 processed in Yardi Screening?

21 A. Yes, they will need to check the box, and
22 then we can provide all the other legal documentation.

23 Q. The next sentence for that same unit reads,
24 there is no copy of a visa, I-94 or SS cards on file.
25 They were approved with the max deposit and guarantor.

160

1 no government ID for Sonyo (sp), and the "no" Social
2 Security card for Sonyo. Was it your understanding
3 that the purpose of the Social Security card then was
4 not to verify identity?

5 MR. DeBETTENCOURT: Objection, form.

6 A. There was no understanding here. That's for
7 the findings.

8 BY MR. RAMKUMAR:

9 Q. What would the documents that could satisfy
10 the ID requirements be?

11 MR. DeBETTENCOURT: Objection, form.

12 A. We required United States non-expired
13 government issued ID. We required the application, we
14 required pay stubs. We give, if they are not U.S.
15 citizens, whatever documentation they have to prove
16 legal residency.

17 Q. Could a Social Security card be used to
18 satisfy that first requirement, a United States
19 government issued ID?

20 A. I said United States picture ID. No, Social
21 Security card doesn't not have a picture.

22 Q. So it could not be used to satisfy identity
23 component?

24 MR. DeBETTENCOURT: Objection, form.

25 A. It couldn't be a United States government

219

1 CERTIFICATE OF SHORTHAND REPORTER

2 NOTARY PUBLIC

3 I, CHRISTINE FOX, Certified Court

4 Reporter, the officer before whom the foregoing
5 deposition was taken, do hereby certify that the
6 foregoing transcript is a true and correct record
7 of the testimony given; that said testimony was
8 taken by me stenographically and thereafter
9 reduced to typewriting under my supervision; and
10 that I am neither counsel for, related to, nor
11 employed by any of the parties to this case and
12 have no interest, financial or otherwise, in its
13 outcome.

14 
15

16 CHRISTINE FOX

17 Notary Public in and for the
18 Commonwealth of Virginia

19

20 My commission expires:

21 May 31, 2018

22

23

24

25